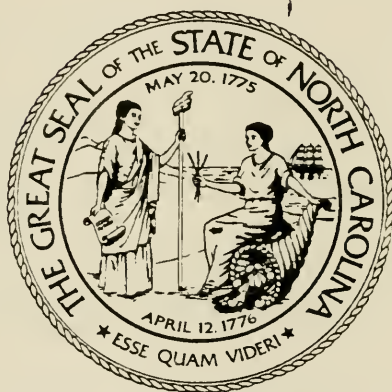


REPORT OF THE SPECIAL COMMITTEE ON PRISONS



INTERIM REPORT TO THE
1989 GENERAL ASSEMBLY
OF NORTH CAROLINA

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North Carolina General Assembly
Special Committee On Prisons
Legislative Office Building
Raleigh 27611

REPRESENTATIVE ANNE C. BARNES
CHAIRMAN

January 11, 1989


SENATOR DAVID R. PARNELL
CO-CHAIRMAN

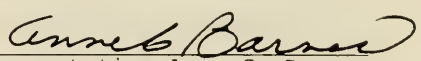
To the Honorable James C. Gardner, Lieutenant Governor, the Honorable Josephus L. Mavretic, Speaker of the House of Representatives, the Honorable Henson P. Barnes, President Pro Tempore, the Honorable R. D. Beard, Speaker Pro Tempore, and Members of the 1989 General Assembly.

Transmitted herewith is the interim report of the findings, conclusions, and recommendations of the Special Committee on Prisons. The Committee has been authorized to continue its work and to submit a final report to the 1989 Session of the General Assembly.

The work of the Committee was authorized by Lieutenant Governor Jordan and Speaker Ramsey of the House of Representatives and was performed in accordance with their instructions.

Respectfully submitted,


Senator David R. Parnell


Representative Anne C. Barnes

PREFACE

The Special Committee on Prisons was established by Lieutenant Governor Jordan and Speaker Ramsey in December 1985.

The letters authorizing the original Committee instructed it to 1) examine the various prison units located throughout the State and report on what should be done to upgrade the physical facilities to meet federal guidelines, if any, and, 2) review the overall corrections system to identify problems resulting from overcrowding, pending litigation, and other issues pertaining to the operation of prisons in North Carolina. The Committee was instructed to work with the Attorney General, the State Auditor, the Department of Correction and other State agencies involved in programs affecting the prison population. The Committee submitted to the 1986 Session of the General Assembly an Interim Report which contained specific recommendations for program and capital improvements. A second report contained additional recommendations for consideration by the 1987 Session of the General Assembly.

In October, 1987, Lieutenant Governor Jordan and Speaker Ramsey reauthorized the Special Committee on Prisons. (See Appendix I.)

The Committee consists of twelve members with six members of the Senate appointed by the Lieutenant Governor and six members of the House of Representatives appointed by the Speaker of the House. A list of the membership and staff of the Committee is shown in Appendix II.

Since the Interim Report to the 1988 Session was issued, a total of five one-day meetings and a retreat have been held. The Committee has heard presentations from legislative staff, the Department of Correction, the Department of Crime Control and Public Safety, the Judicial Department and the Mental Health Study Commission. A list of persons appearing before the Committee is shown in Appendix III and written information presented to the Committee is listed in Appendix IV. Minutes of all Committee meetings are available in the Legislative Library.

The Committee recommended various changes and appropriations to the 1986, 1987, and 1988 Sessions of the General Assembly. A listing and discussion of the interim recommendations that the Committee will present to the 1989 Session of the General Assembly begins on Page 11.

BACKGROUND

From 1974 to 1984, \$101,679,054 was appropriated for new capital construction projects for the North Carolina prison system. A total of 3,604 new beds were constructed and an additional 1,280 beds were obtained through the conversion of facilities transferred from the Department of Human Resources to the Department of Correction.

The Department of Correction has had several major lawsuits filed against it during the 1980's alleging that the State operates prisons which have unconstitutional conditions of confinement. In June, 1985, the General Assembly appropriated \$12,500,000 to improve conditions at facilities located in the South Piedmont Area of the Department of Correction. In September, 1985, a consent agreement was reached with plaintiffs from that area. The funds were expended primarily to eliminate triple-bunking in sleeping areas by constructing five 100-bed dormitories, improve ventilation, lighting, heating, and smoke detection in dormitories, construct recreational facilities, improve medical care, provide adequate clothing and bedding, establish full-time educational, vocational, and work programs for 80 percent of the inmates, and provide additional staff for supervising inmates.

There are five other geographic areas in which the Department of Correction operates prison facilities, and by 1985 widespread recognition existed that a thorough review of the correctional system was needed to identify problems resulting from overcrowding, pending litigation, and aging physical facilities. The Special Committee on Prisons was established to conduct this review and make recommendations to the General Assembly.

The Department of Correction formulated a Ten-Year Plan and presented it in March, 1986 to the Committee. The plan included \$203,000,000 for construction and operation of additional beds and for implementation of more community alternatives. It was believed that before expending such large amounts of taxpayers' money on capital construction to continue to incarcerate those convicted of non-violent crimes, there was a need to plan very thoroughly for improvements in the existing correctional system and for developing additional alternatives to incarceration. The recommendations from the Committee to the 1986 Session of the General Assembly reflected this intent in the prudent balance of capital items to renovate existing units and construct new beds, where necessary, and program items to expand existing community alternative punishment options.

The total amount of funding requested by the Committee for FY 1986-87 was \$22,454,014 (\$13,660,348 - Capital; \$6,293,666 - Operating; and \$2,500,000 - Reserve). The General Assembly appropriated \$22,485,648 (\$14,521,448 - Capital; \$5,464,200 - Operating; and \$2,500,000 - Reserve).

The Committee was reauthorized in July, 1986 and continued its study of the State prison system, community-based programs, and the judicial system. The consistent approach of the Committee has been to keep apprised of the lawsuits filed against the Department of Correction and to develop a plan of action to meet those requirements, while providing measures to offer punishment options appropriate to the type of offenses committed.

The total amount of funding recommended by the Committee to the 1987 General Assembly for FY 1987-88 was between \$50,843,144 to \$54,543,144 (\$3,047,544 - Operating; \$47,795,600 to \$51,495,600 - Capital). The General Assembly appropriated an Expansion Budget of \$9,187,626 for operating and \$21,890,690 for capital projects.

The Committee has continued its work since the 1987 Session. The total amount of funding recommended to the 1988 Session for FY 1988-89 was \$34,193,172 (\$5,586,172 - Operating, \$28,607,000 - Capital). The General Assembly appropriated an expansion budget of \$11,714,191 for operating and \$18,905,391 for capital projects.

It has become increasingly evident that a fragmented approach toward funding the criminal justice system is not working in North Carolina. In February, 1987 a proposal was made by the Co-Chairmen to the Special Committee on Prisons that the Committee examine the criminal justice system for long-term solutions and improvements. This would be accomplished by "examining the strengths and weaknesses of our existing goals, policies, and programs, or redefining goals and policies where needed, and on developing a more comprehensive criminal justice system". (See Appendix V.) On March 10, 1987, Lieutenant Governor Jordan and Speaker Ramsey expanded the charge of the Special Committee on Prisons to include those areas of study in the proposal adopted by the Special Committee on Prisons on February 12, 1988. (See Appendix VI.) The National Institute of Sentencing Alternatives at Brandeis University has been retained to be the consultant to the Committee for this study and a final report will be made during the 1989 Session of the General Assembly. This interim report contains recommendations and legislation which may need to be considered before the final report is issued.

COMMITTEE PROCEEDINGS

July 21, 1988

The Committee met in executive session to discuss personnel matters. Following this discussion, the Committee voted to accept the proposal entitled "Strategic Planning for Corrections" from the National Institute for Sentencing Alternatives at Brandeis University. Authorization was given for John Kernodle to take appropriate administrative actions to negotiate the budget for this study. Senator Parnell and Representative Barnes were authorized to present the negotiated budget to the Legislative Services Commission for approval.

September 16, 1988

Senator Parnell and Representative Barnes discussed the charge to the Committee for a comprehensive study of the criminal justice system.

Mark Corrigan, Director of the National Institute for Sentencing Alternatives at Brandeis University, presented the

various services that the Institute would provide to the Committee and an outline for the planning session to be held during the retreat at Quail Roost.

October 7, 1988

On October 7, 1988 the Committee met in a retreat at Quail Roost to discuss areas of concern in the criminal justice system. Mark Corrigan, Director of the National Institute for Sentencing Alternatives, served as the facilitator for this process. Donna Reback, Deputy Director of the Institute, gave data about the North Carolina system and discussed what additional data would be gathered and made available to the Committee for future deliberations.

October 27, 1988

Representative Anne Barnes cited improvements that had been made since 1985 at the North Carolina Correctional Center for Women (NCCCW) and noted that the Committee has

been asked by the Joint Legislative Commission on Governmental Operations to examine the issues of separation of custody levels and need for physical plant improvements at NCCCW and to make recommendations to the 1989 Session. (See Appendix VII.) Recommendations in this interim report are in response to that request.

Jennie L. Lancaster, Female Command Manager of the Division of Prisons, discussed female population projections, admissions processing and custody problems, and costs of the solutions proposed by Senator Parnell and Representative Barnes to these problems. Keith Hester, Superintendent of Fountain Correctional Center, answered questions about the feasibility and costs of establishing a female misdemeanor admissions processing center at Fountain Correctional Center.

Franklin Freeman, Director of the Administrative Office of the Courts, presented the study conducted during FY 1987-88 entitled "Presentence Reports to Judges". Several recommendations on the possible use and costs of such reports were made.

Rose Mary Mims, Director of the Mental Health Study Commission, presented the recommendations related to the Department of Correction which were made by the Mental Health Study Commission Subcommittee on Services for Mental Ill Persons Who Have Violent or Criminal Behavior Problems.

November 22, 1988

Mark Corrigan, Director, and Donna Reback, Deputy Director of the National Institute for Sentencing Alternatives presented data on prison and probation/parole populations in North Carolina. The Committee discussed the need for additional data in order to examine the criminal justice system.

December 21, 1988

The Committee considered recommendations proposed by the Co-chairs and approved the recommendations on the following pages to be presented to the 1989 General Assembly.

John Kernodle presented an update of the work currently being conducted by the National Institute for Sentencing Alternatives and the timetable for their work.

Kay Knapp of the Institute for Rational Public Policy presented an overview of the Impact Assessment Model which the Institute has developed.

NEW RECOMMENDATIONS

IMPROVE CUSTODY LEVEL SEPARATION AND PHYSICAL
FACILITIES AT THE NORTH CAROLINA CORRECTIONAL
CENTER FOR WOMEN

This recommendation is in response to the request from the Joint Legislative Commission on Governmental Operations that the Special Committee on Prisons examine the issues of separation of custody levels and the need for physical plant improvements at the North Carolina Correctional Center for Women (NCCCW) and make recommendations on these issues to the 1989 Session of the General Assembly (See Appendix VII).

Recommendations

Establish a 50-bed diagnostic center for female misdemeanants at Fountain Correctional Center for Women (\$332,200-capital).

Construct a mental health facility at the North Carolina Correctional Center for Women (\$1,105,600).

Renovate Dorm A at the North Carolina Correctional Center for Women to house a substance abuse program (\$62,800).

Construct a new kitchen facility and renovate the existing kitchen-dining hall facility (\$622,800.)

Total costs:
Capital \$2,123,400

These capital estimates were provided by the Office of State Construction. If an outside design/construction manager is retained, as in the case of the Emergency Prison Facilities Fund, the estimates may be subject to change. In addition, a fee of 6 percent of the capital costs will be requested for the outside contractor.

The operating costs for the above facilities are not included in these recommendations. They are dependent upon final completion dates of the construction. Operating appropriations will be requested at the time these dates are made available.

Rationale:

In order to increase the separation of female custody levels, a 50-bed processing center for misdemeanor admissions should be established at Fountain Correctional

Center. (Misdemeanants are automatically classified minimum custody.) Establishing this center would enable the Department to process all female misdemeanor inmates separate from felons. Furthermore, except in cases when specialized treatment is needed at NCCCW, misdemeanants would be housed only at minimum custody units - i.e. Fountain Correctional Center, the new 104-bed minimum custody unit in Raleigh, Black Mountain Center, Wilmington Advancement Center and the advancement center in Charlotte operated by ECO, Inc.

There is a need for an appropriate mental health facility at the North Carolina Correctional Center for Women. Presently, individuals in need of in-patient mental health services are housed in a temporary mental health unit or in the single-cell segregation unit. The Mental Health Study Commission Subcommittee on Services for Mentally Ill Individuals with Serious Violent or Criminal Behavior Problems has recommended that a new mental health facility be built at NCCCW. It is our understanding that such a facility would be most appropriately located on the site of the existing infirmary, which could be demolished after completion of the new infirmary in January, 1989.

There is a need to establish a substance abuse treatment program for women (as now exists for male inmates) and this specialized program should be located at NCCCW. It is recommended that the first floor of Dorm A, which includes both a dormitory and the temporary mental health facility, be renovated to house minimum custody inmates on one side and medium custody inmates on the other. Treatment space may be shared by the two custody levels. It is anticipated that the program will serve between 40-50 inmates at a time.

The kitchen at NCCCW needs to be replaced. This project would involve construction of a new kitchen and renovation of the existing kitchen into needed storage and dining space.

In summary, the following actions will address the issues regarding separation of custody levels and need for physical facility improvements.

Separation of Custody Levels

- 1) Establishment of a diagnostic processing center for female misdemeanants at Fountain Correctional Center will remove all misdemeanants from NCCCW except those who are in specialized treatment, i.e. mental health, health, substance abuse. The addition of 50 beds at Fountain Correctional Center and the opening of the new 104-bed minimum

custody unit in Raleigh will also provide more flexibility for movement of female felons into minimum custody beds as the inmates are promoted from medium to minimum custody.

- 2) There is also a need to separate youthful offenders from the regular population at NCCCW. Establishment of a diagnostic processing center for misdemeanants would help address this need by removing misdemeanor youthful offenders from NCCCW. In 1987, there were 37 misdemeanants and 32 felons under the age of 22 admitted to NCCCW. Several of the felon youthful offenders had sentences of three years or less and could be moved to Fountain Correctional Center relatively quickly after processing at NCCCW or could possibly be moved to Fountain for processing at the discretion of the Department. In addition, occupation of the 104-bed dormitory at NCCCW is scheduled for the near future and this will allow more flexibility in providing specialized housing and separation of age groups and custody levels.

Physical Facility Improvements

- 1) Construction of a new mental health facility will enable the Department to meet acceptable standards;
- 2) Renovation of Dorm A will provide housing and treatment space for a substance abuse program for females and will provide for separate housing of minimum and medium custody participants;
- 3) Kitchen, dining hall, and storage renovations and construction of a new kitchen will enable NCCCW to meet health department requirements for institutions; and,
- 4) The addition of a 50-bed diagnostic center at Fountain Correctional Center, the renovation of Dorm A, and the occupation of the new 104-bed dormitory at NCCCW and the new 104-bed minimum custody unit in Raleigh should also provide more space per female inmate.

PREVIOUS RECOMMENDATIONS

Although this is an interim report, it is believed that the following recommendations, which were presented to the 1988 Session or other sessions of the General Assembly and not funded, should be considered as valid recommendations on identified needs. The final report to be issued to the 1989 Session may or may not alter the extent of these needs based on policy recommendations to be presented at that time.

SATELLITE JAIL FUND

Recommendation:

Consistent with the recommendation of the Special Committee on Prisons to the 1987 and 1988 Sessions of the General Assembly, recommend that funds be appropriated to establish a ten-million dollar (\$10,000,000) State grant fund for counties or groups of counties to construct new buildings or renovate existing buildings for use as satellite jail/work release units. These facilities would be made available to certain misdemeanants who receive active sentences. A maximum of \$750,000 would be made available for each facility. (Cost: \$10,000,000.)

Rationale:

Only seven states incarcerate misdemeanants in their state prison systems. North Carolina is one of the seven.

On November 30, 1988, North Carolina's misdemeanor population was 2,236 out of a total population of 17,824 inmates in the State system. Misdemeanant admissions account for 44 percent of all admissions to the prison system and utilize expensive resources that could be better spent on more serious offenders.

The primary purposes of this grant program are to encourage counties to accept responsibility for incarcerated non-violent misdemeanants, thereby relieving the state prison system of its misdemeanor population, and to assist counties in providing suitable facilities for certain misdemeanants who receive active sentences. Inmates who are serving sentences in State or local facilities would be eligible, thus relieving overcrowding in both prisons and local confinement facilities. It is believed that by eliminating the time involved in processing persons through the state system, more misdemeanants who are employed at the time of sentencing will be able to retain their jobs. This will enable them to pay for their upkeep while serving time, to pay restitution, to continue to support their dependents, and to remain near the communities and families to which they will return after serving their time. Another objective of the program is to save additional tax money by 1) providing more appropriate, cost effective new housing for certain minimum custody misdemeanants or 2) utilizing vacant building suitable for renovation. It is believed that such facilities will offer a better rehabilitative atmosphere for non-violent misdemeanants than that experienced when they are incarcerated with violent inmates and those criminals convicted of more serious crimes.

PROVIDE FUNDING FOR NEW COMMUNITY PENALTIES
PROGRAMS AND EXPANSION OF EXISTING PROGRAMS

Recommendations:

	<u>FY 1989-90</u>	<u>FY 1990-91</u>
Recommend funding to provide for expansion of the twelve existing Community Penalties programs at 85% State share and allow for inflationary increase for each year of the 1989-91 Biennium.	\$247,983	\$317,420
Fund new programs in three locations.	153,900	193,800
Fund new programs in two locations.		100,300
Provide contractual services to rural counties.	39,825	150,450
Provide for administrative costs.	<u>67,500</u>	<u>75,200</u>
Total Cost	\$509,208	\$837,170

Rationale:

In 1987 the Special Committee on Prisons recommended that \$413,946 be appropriated to support six new Community Penalties programs, to further expand the eight existing programs, and to support central administrative costs for the programs. Inadequate funding in 1987 and 1988 has limited the expansion of new and existing programs and has provided State support at a level of 80% rather than 85%.

It is proven that the Community Penalties programs effectively divert prison-bound offenders to community alternatives. For this reason, the program should be expanded to serve three new areas in FY 1989-90 and two additional new areas in FY 1990-91. Rural services contracts will allow existing programs to provide plans for offenders in one new area in FY 1989-90 and two additional areas in FY 1990-91. The existing programs should be expanded as recommended by the Special Committee on Prisons in 1987 and 1988. These programs have traditionally been funded at 90 percent State share the first year and no more than 85 percent thereafter.

REDUCE REGULAR PROBATION CASELOAD

Recommendations:

Continue funding for sixteen (16) probation officers, two (2) unit supervisors, and two (2) stenographers funded by the 1988 General Assembly. These positions are not included in the Continuation Budget for the FY 1989-91 Biennium. (Estimated cost: \$587,869 each year of the 1989-91 Biennium.)

Consistent with the recommendation to the 1986, 1987, and 1988 Sessions of the General Assembly from the Special Committee on Prisons to reduce the regular probation caseload to 95 per officer, recommend that additional funds be appropriated to achieve this reduction. (Estimated cost: FY 1989-90 \$5,902,813; FY 1990-91 \$6,576,541.)

Total Cost: FY 1989-90	\$6,490,682
FY 1990-91	\$7,164,410

Rationale:

On December 31, 1985 there were approximately 58,000 probationers and 491 probation officers for a caseload of 118 per officer. The 1986 General Assembly approved 52 additional officers and seven support personnel for FY 1986-87 to reduce the caseload to approximately 110 per officer. The 1988 General Assembly appropriated funds for FY 1988-89 for 16 probation officers, 2 unit supervisors and 2 stenographers effective February 1, 1989.

By October 31, 1988, there were 68,083 probationers and 543 officers for an average caseload of 125 per officer. With the addition of sixteen new officers on February 1, 1989, the projected caseload for February 1, 1989 is 124. It is anticipated that there will be 70,975 probationers by July 1, 1989 for a caseload of 127 per officer.

It is believed that a reduced caseload will allow officers to provide more effective supervision and that the caseload should be limited to 95 per officer. A total of 231 positions (179 officers, 26 supervisors, and 26 support staff) are needed to achieve this reduction during FY 1989-90 based on the projected probation population of 70,975 by June 30, 1989.

EXPANSION OF INTENSIVE SUPERVISION

Recommendation:

Expand intensive supervision for a selected group of felons and misdemeanants who do not appear to be a physical threat to the community. The number of teams would be expanded by ten (10) two-person teams and could provide supervision to an additional 250 prison-bound offenders. This recommendation also includes supervisors for all the intensive teams. (Estimated cost: FY 1989-90 \$1,402,820; FY 1990-91 \$1,326,624.)

Rationale:

There are currently fifty (50) intensive probation/parole supervision teams in the State which have the capacity to supervise 1,340 prison-bound offenders. The 44 two-person teams supervise up to 25 offenders each and six three-person teams supervise up to 40 offenders each. This recommendation would provide funding for ten new teams for intensive supervision of an additional 250 prison-bound offenders. New teams would be added in Forsyth, Gaston, Guilford, Iredell, Mecklenburg (2), and Orange-Chatham. New locations for teams include Davidson-Davie, Granville-Person, and Wilson-Southern Nash.

REIMBURSE COUNTIES FOR FEMALE INMATES

Recommendation:

Appropriate funds to reimburse counties for female inmates on the same basis as male inmates. (Estimated cost: To be determined after April 15, 1989.)

Rationale:

In 1988 the General Assembly authorized the Department of Correction to use existing funds to reimburse counties for female inmates serving sentences of 30 days or more in county jails. An appropriation should be made for this expense, and the amount needed is contingent upon the Department of Correction's report on the cost of this reimbursement for the period of July 1, 1988 - March 31, 1989.

The report will be issued on April 15, 1989 and the appropriation needed will be presented during the 1989 Session.

REDUCE REGULAR PAROLE CASELOAD

Recommendation:

Continue funding for seven (7) parole officers, one unit supervisor, and one stenographer funded by the 1988 General Assembly. These positions are not included in the Continuation Budget for the 1989-91 Biennium. (Estimated cost: \$277,126 for each year of the 1989-91 Biennium.)

Consistent with the recommendation to the 1986 Session of the General Assembly from the Special Committee on Prisons to reduce the regular parole caseload to 56 per officer, recommend that additional funds be appropriated to achieve this reduction. (Estimated cost: FY 1989-90 \$1,283,728; FY 1990-91 \$1,408,134.)

Total cost:	FY 1989-90	\$1,560,854
	FY 1990-91	\$1,685,260

Rationale:

On December 31, 1985, there were approximately 3,520 parolees and 61 parole officers for a caseload of 58 per officer. The 1986 General Assembly approved eight (8) additional officers. The 1988 General Assembly appropriated funds for FY 1988-89 for seven (7) additional parole officers, one supervisor and one stenographer effective February 1, 1989. With the addition of these officers, it is projected that the parole caseload will be 87 per officer by July 1, 1989.

It is believed that a reduced caseload will allow officers to provide more effective supervision and that the caseload should be limited to 56 per officer. A total of 46 positions (36 officers, 5 supervisors, and 5 stenographers) are needed to achieve this reduction during FY 1989-90 based on the projected parole population of 6,500 by June 30, 1989.

Consistent with the goal of 56 parolees per officer the numbers of officers needed may or may not change dependent upon the 1989 General Assembly's action regarding the prison population cap.

HOUSE ARREST
(ELECTRONIC SURVEILLANCE PROGRAM)

Recommendation:

Recommend that the house arrest with electronic surveillance program be expanded to twelve additional counties to monitor 1,000 to 1,200 offenders. The program would monitor offenders in Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Guilford, Iredell, Mecklenburg, New Hanover, Pitt, and Robeson Counties. (Estimated cost: FY 1989-90 \$3,033,840; FY 1990-91 \$1,286,690.)

Rationale:

A pilot house arrest program for 30 persons was implemented in Forsyth County in 1987 to divert felon and misdemeanor offenders from prison who could be safely supervised in the community. In 1988, the program expanded to an additional 70 offenders in Forsyth County and to 100 offenders in Wake County. This expansion was recommended by the Special Committee on Prisons.

Electronic surveillance is being used for offenders who have been targeted for intensive supervision but for whom a slot is not available. Individuals who are placed on intensive probation do not also participate in the house arrest program. Probation/parole officers monitor the offenders once appropriate equipment is purchased.

This program has been successfully implemented in North Carolina and other states and has been shown to be an effective alternative to incarceration.

SUMMARY OF RECOMMENDED APPROPRIATIONS

	<u>FY 1989-90</u>	<u>FY 1990-91</u>
Operating:		
Department of Correction	\$12,488,196	\$11,462,984
Department of Crime Control and Public Safety	509,208	837,170
Total Operating	<u>\$12,997,404</u>	<u>\$12,300,154</u>
Capital:		
Office of State Budget and Management	\$12,123,400	-0-
Total Capital	<u>\$12,123,400</u>	<u>-0-</u>

SUMMARY OF COST SAVINGS OF DIVERSIONARY PROGRAMS

	<u>FY 1989-90</u>		
<u>Recommendation</u>	<u>Number Diverted</u>	<u>Cost To Divert</u>	<u>Cost To Imprison*</u>
Expansion of Intensive Supervision Teams	250	\$1,402,820	\$3,419,138
Electronic Surveillance 1,000-1,200		3,033,840	13,676,550- 16,411,860
Expansion of Community Penalties Programs	117	509,208	1,600,156
	<u>1,367-1,567</u>	<u>\$4,945,868</u>	<u>\$18,695,844-</u> 21,431,154

	<u>FY 1990-91</u>		
<u>Recommendation</u>	<u>Number Diverted</u>	<u>Cost To Divert</u>	<u>Cost To Imprison*</u>
Expansion of Intensive Supervision Teams	250	\$1,326,624	\$3,419,138
Electronic Surveillance 1,000-1,200		1,286,690	13,676,550- 16,411,860
Expansion of Community Penalties Programs	273	837,170	3,733,698
	<u>1,523-1,723</u>	<u>\$3,450,484</u>	<u>\$20,829,386-</u> 23,564,696

* Based on average daily cost in FY 1987-88 of \$37.47/inmate

PROPOSED LEGISLATION

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S/H

D

89-RG-002

THIS IS A DRAFT 21-DEC-88 15:59:45

Short Title: Women's Prison Construction Funds. (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR CONSTRUCTION OF FACILITIES FOR
WOMEN IN THE STATE PRISON SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund
to the Office of State Budget and Management for the 1989-1990
fiscal year the sum of two million one hundred twenty-three
thousand four hundred dollars (\$2,123,400) to be allocated as
follows:

(1) the sum of three hundred thirty-two thousand two hundred
dollars (\$332,200) for necessary construction, alteration, and
renovation of the Clark Building at the Fountain Correctional
Center for Women for use as a 50-bed misdemeanor processing
center and to construct necessary physical support facilities at
Fountain Correctional Center;

(2) the sum of one million one hundred five thousand six
hundred dollars (\$1,105,600) to construct a mental health
facility at the North Carolina Correctional Center for Women and

1 to make the necessary physical support system improvements at the
2 North Carolina Correctional Center;

3 (3) the sum of sixty-two thousand eight hundred dollars
4 (\$62,800) to renovate Dormitory A at the North Carolina
5 Correctional Center for Women for use as a facility for a
6 substance abuse program; and

7 (4) the sum of six hundred twenty-two thousand eight hundred
8 dollars (\$622,800) to construct a kitchen facility at the North
9 Carolina Correctional Center for Women and to renovate the
10 existing kitchen-dining hall facility.

11 Sec. 2. The Office of State Budget and Management may
12 contract for and supervise all aspects of design, construction,
13 or demolition of prison facilities designated in this act without
14 being subject to the requirements of the following statutes and
15 rules implementing those statutes: G.S. 143-135.26(1), 143-128,
16 143-129, 143-131, 143-132, 143-134, 143-64.10 through 143-64.13,
17 113A-1 through 113A-10, 113A-50 through 113A-66, 133-1.1(b), and
18 133-1.1(g). All contracts for the design, construction, or
19 demolition of these facilities shall include a penalty for
20 failure to complete the work by a specified date.

21 Sec. 3. There is appropriated from the General Fund to
22 the Office of State Budget And Management for the 1989-1990
23 fiscal year the sum of one hundred twenty-seven thousand four
24 hundred four dollars (\$127,404) to contract for professional
25 assistance in administering the construction of facilities
26 designated in Section 1 of this act. The funds allocated in this
27 Section shall not revert at the end of the fiscal year for which
28 they are appropriated but shall remain available until completion
29 of construction, at which time any remaining funds shall revert.

30 Sec. 4. The Office of State Budget and Management shall
31 report to the cochairmen of the Prison Construction Subcommittee
32 of the Joint Legislative Commission on Government Operations at
33 least once a month on the capital projects designated in this
34 act. The reports shall include information on which contractors
35 have been selected, what contracts have been entered into, the
36 projected and actual occupancy and use dates of facilities

1 contracted for, and the projected and actual cost of each
2 project.

3 Sec. 5. This act shall become effective July 1, 1989.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S/H

D

89-rg-003

THIS IS A DRAFT 21-DEC-88 15:58:31

Short Title: Satellite Jail Fund.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO APPROPRIATE FUNDS FOR SATELLITE JAIL/WORK RELEASE UNITS
3 FOR MISDEMEANANTS AND TO RELIEVE PRISON OVERCROWDING.

4 The General Assembly of North Carolina enacts:

5 Section 1. There is appropriated from the General Fund
6 to the Office of State Budget and Management the sum of ten
7 million dollars (\$10,000,000) for the 1989-90 fiscal year for the
8 County Satellite Jail/Work Release Units Fund created in Part 3
9 of Article 10 of Chapter 153A of the General Statutes. The
10 Office of State Budget and Management may use no more than one
11 percent (1%) of the funds appropriated in this act for costs of
12 administering the Fund. These funds shall not revert at the end
13 of the fiscal year for which they are appropriated but shall
14 remain available until expended for the County Satellite
15 Jail/Work Release Units Fund.

16 Sec. 2. G. S. 153A-230.2 reads as rewritten:

17 " § 153A-230.2. Creation of Satellite Jail/Work Release Unit
18 Fund. (a) There is created in the Office of State Budget and
19 Management the County Satellite Jail/Work Release Unit Fund to
20 provide State grant funds for counties or groups of counties for
21 construction of satellite jail/work release units for certain

1 misdemeanants who receive active sentences. A county or group of
2 counties may apply to the Office for a grant under this section.
3 The application shall be in a form established by the Office.
4 The Office shall:

- 5 (1) Develop application and grant criteria based on the
6 basic requirements listed in this Part,
- 7 (2) Provide all Boards of County Commissioners and
8 Sheriffs with the criteria and appropriate
9 application forms, technical assistance, if
10 requested, and a proposed written agreement,
- 11 (3) Review all applications,
- 12 (4) Select grantees and award grants,
- 13 (5) Award no more than ~~one million five hundred~~
14 ~~thousand dollars (\$1,500,000)~~ seven hundred fifty
15 thousand dollars (\$750,000) for any one county or
16 group of counties except that if a group of
17 counties agrees to jointly operate one unit for
18 males and one unit for females, the maximum amount
19 may be awarded for each unit,
- 20 (6) Take into consideration the potential number of
21 misdemeanants and the percentage of the county's or
22 counties' misdemeanor population to be diverted
23 from the State prison system,
- 24 (7) Take into consideration the utilization of existing
25 buildings suitable for renovation where
26 appropriate,
- 27 (8) Take into consideration the timeliness with which a
28 county proposes to complete and occupy the unit,
- 29 (9) Take into consideration the appropriateness and
30 cost effectiveness of the proposal,
- 31 (10) Take into consideration the plan with which the
32 county intends to coordinate the unit with other
33 community service programs such as intensive
34 probation, community penalties, and community
35 service.

1 When considering the items listed in subdivisions (6) through
2 (10), the Office shall determine the appropriate weight to be
3 given each item.

4 (b) A county or group of counties is eligible for a grant under
5 this section if it agrees to abide by the basic requirements for
6 satellite jail/work release units established in G.S. 153A-230.3.
7 In order to receive a grant under this section, there must be a
8 written agreement to abide by the basic requirements for
9 satellite jail/work release units set forth in G.S. 153A-230.3.
10 The written agreement shall be signed by the Chairman of the
11 Board of County Commissioners, with approval of the Board of
12 County Commissioners, and a representative of the Office of State
13 Budget and Management. If a group of counties applies for the
14 grant, then the agreement must be signed by the Chairman of the
15 Board of County Commissioners of each county. Any variation
16 from, including termination of, the original signed agreement
17 must be approved by both the Office of State Budget and
18 Management and by a vote of the Board of County Commissioners of
19 the county or counties.

20 When the county or group of counties receives a grant under
21 this section, the county or group of counties accepts ownership
22 of the satellite jail/work release unit and full financial
23 responsibility for maintaining and operating the unit, and for
24 the upkeep of its occupants."

25 Sec. 3. This act shall become effective July 1, 1989.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S/H

D

89-LL-006

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Corrections Funds.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO PROVIDE FOR NEW COMMUNITY
PENALTIES PROGRAMS AND EXPANSION OF EXISTING PROGRAMS, TO
REDUCE THE REGULAR PROBATION AND PAROLE CASELOADS, TO EXPAND
INTENSIVE SUPERVISION, AND TO EXPAND THE HOUSE ARREST WITH
ELECTRONIC SURVEILLANCE PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund
to the Department of Crime Control and Public Safety the sum of
five hundred nine thousand two hundred eight dollars (\$509,208)
for the 1989-90 fiscal year to provide for the following:

- (1) To expand the 12 existing Community Penalties
programs and to provide eighty-five percent (85%)
State support of those programs;
- (2) To establish three new Community Penalties programs
at ninety percent (90%) State share, one to be
located in Mecklenburg County and two to be located
in the First Superior Court Division;

1 (3) To provide contractual services to rural counties;
2 and

3 (4) To cover additional administrative costs.

4 Sec. 2. There is appropriated from the General Fund to
5 the Department of Crime Control and Public Safety the sum of
6 eight hundred thirty-seven thousand one hundred seventy dollars
7 (\$837,170) for the 1990-91 fiscal year to provide for the
8 following:

9 (1) To expand the 12 existing Community Penalties
10 programs and to provide eighty-five percent (85%)
11 State support of those programs;

12 (2) To continue the three new Community Penalties
13 programs established in Sec. 1(2) above;

14 (3) To provide contractual services to three rural
15 counties; and

16 (4) To cover additional administrative costs.

17 Sec. 3. There is appropriated from the General Fund to
18 the Department of Correction the sum of twelve million four
19 hundred eighty-eight thousand one hundred ninety-six dollars
20 (\$12,488,196) for the 1989-90 fiscal year and the sum of eleven
21 million four hundred sixty-two thousand nine hundred eighty-four
22 dollars (\$11,462,984) for the 1990-91 fiscal year to be allocated
23 as follows:

24 (1) The sum of five hundred eighty-seven thousand eight
25 hundred sixty-nine dollars (\$587,869) for the
26 1989-90 fiscal year and the sum of five hundred
27 eighty-seven thousand eight hundred sixty-nine
28 dollars (\$587,869) for the 1990-91 fiscal year to
29 continue funding for 16 probation officers, two
30 unit supervisors, and two stenographers funded by
31 the 1987 General Assembly for fiscal year 1988-89;

32 (2) The sum of five million nine hundred two thousand
33 eight hundred thirteen dollars (\$5,902,813) for the
34 1989-90 fiscal year and the sum of six million five
35 hundred seventy-six thousand five hundred forty-one

dollars (\$6,576,541) for the 1990-91 fiscal year to fund an additional 231 positions needed to reduce the regular probation caseload to 95 per officer, the positions to include 179 probation officers, 26 supervisors, and 26 support staff;

(3) The sum of two hundred seventy-seven thousand one hundred twenty-six dollars (\$277,126) for the 1989-90 fiscal year and the sum of two hundred seventy-seven thousand one hundred twenty-six dollars (\$277,126) for the 1990-91 fiscal year to continue funding for seven parole officers, one unit supervisor, and one stenographer funded by the 1987 General Assembly for the 1988-89 fiscal year;

(4) The sum of one million two hundred eighty-three thousand seven hundred twenty-eight dollars (\$1,283,728) for the 1989-90 fiscal year and the sum of one million four hundred eight thousand one hundred thirty-four dollars (\$1,408,134) for the 1990-91 fiscal year to fund an additional 46 positions needed to reduce the regular parole caseload to 56 per officer, the positions to include 36 officers, five supervisors, and five stenographers;

(5) The sum of one million four hundred two thousand eight hundred twenty dollars (\$1,402,820) for the 1989-90 fiscal year and the sum of one million three hundred twenty-six thousand six hundred twenty-four dollars (\$1,326,624) for the 1990-91 fiscal year for ten two-person intensive probation/parole supervision teams to be used as an effective alternative to incarceration for a total of approximately 250 offenders, two teams to be located in Mecklenburg County, one team each to be located in Forsyth, Gaston, Guilford, and Iredell Counties, and one team each to be located in the

1 multi-county areas of Davidson-Davie, Granville-
2 Person, Orange-Chatham, and Wilson-Southern Nash;
3 and

4 (6) The sum of three million thirty-three thousand
5 eight hundred forty dollars (\$3,033,840) for the
6 1989-90 fiscal year and the sum of one million two
7 hundred eighty-six thousand six hundred ninety
8 dollars (\$1,286,690) for the 1990-91 fiscal year to
9 expand the house arrest with electronic
10 surveillance program to include an additional 1,000
11 to 1,200 offenders in 12 counties.

12 Sec. 3. This act shall become effective July 1, 1989.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

D

88-RV-003

THIS IS A DRAFT 21-DEC-88 15:08:22

Short Title: Community Service Parole Act

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO EXPAND COMMUNITY SERVICE PAROLE ELIGIBILITY

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 15A-1371(h) reads as rewritten:

5 "(h) Community Service Parole. -- Notwithstanding the
6 provisions of any other subsection herein, certain prisoners
7 specified herein shall be eligible for community service parole,
8 in the discretion of the Parole Commission.

9 Community service parole is early parole for the purpose of
10 participation in a program of community service under the
11 supervision of a probation/parole officer. A parolee who is
12 paroled under this subsection must perform as a condition of
13 parole 32 hours of community service for every month of his
14 remaining active sentence, until at least his minimum sentence
15 (if he was sentenced prior to July 1, 1981), or one-half of his

1 sentence imposed under G.S. 15A-1340.4 has been completed by such
2 community service, at which time parole may be terminated.

3 The probation/parole officer and the community service
4 coordinator shall develop a program of community service for the
5 parolee. The parolee must as a condition of parole complete at
6 least 32 hours of community service per 30-day period. The
7 community service coordinator shall report any willful failure to
8 perform community service work to the probation/parole officer.
9 Parole may be revoked for any parolee who willfully fails to
10 perform community service work as directed by a community service
11 coordinator. The provisions of G.S. 15A-1376 shall apply to this
12 violation of a condition of parole.

13 Community service parole eligibility shall be available to a
14 prisoner:

15 (1) Who is serving ~~his first~~ an active sentence the term of
16 which exceeds one year; and

17 (2) Who, in the opinion of the Parole Commission, is unlikely
18 to engage in further criminal conduct; and

19 (3) Who agrees to complete service of his sentence as herein
20 specified; and

21 (4) Who has served one-half of his minimum sentence (if he was
22 sentenced prior to July 1, 1981), or one-fourth of a sentence
23 imposed under G.S. 15A-1340.4.

24 ~~For purposes of subdivision (1), a person is considered to be~~
25 ~~serving his first active sentence the term of which exceeds one~~
26 ~~year if he~~

27 ~~a. Was convicted or sentenced in the same session of~~
28 ~~court of multiple offenses arising from the same~~
29 ~~transaction or series of transactions or his~~
30 ~~probationary sentence was revoked in the same such~~
31 ~~session of court,~~

~~b. Is serving an active sentence of at least one year
for one of the multiple offenses described in sub-
subdivision a., and
c. Had not received an active sentence of a[t] least
one year prior to being sentenced for the multiple
offenses described in sub-subdivision a.~~

In computing the service requirements of subdivision (4) of this subsection, credit shall be given for good time and gain time credit earned pursuant to G.S. 148-13. Nothing herein is intended to create or shall be construed to create a right or entitlement to community service parole in any prisoner.

Sec. 2. G.S. 15A-1380.2(h) reads as rewritten:

"(h) Community Service Parole. -- Notwithstanding the provisions of any other subsection herein, certain prisoners specified herein shall be eligible for community service parole, in the discretion of the Parole Commission.

Community service parole is early parole for the purpose of participation in a program of community service under the supervision of a probation/parole officer. A parolee who is paroled under this subsection must perform as a condition of parole 32 hours of community service for every month of his remaining active sentence, until at least his minimum sentence (if he was sentenced prior to July 1, 1981), or one-half of his sentence imposed under G.S. 15A-1340.4 has been completed by such community service, at which time parole may be terminated.

The probation/parole officer and the community service coordinator shall develop a program of community service for the parolee. The parolee must as a condition of parole complete at least 32 hours of community service per 30-day period. The community service coordinator shall report any willful failure to perform community service work to the probation/parole officer. Parole may be revoked for any parolee who willfully fails to

1 perform community service work as directed by a community service
2 coordinator. The provisions of G.S. 15A-1376 shall apply to this
3 violation of a condition of parole.

4 Community service parole eligibility shall be available to a
5 prisoner:

6 (1) Who is serving ~~his first~~ an active sentence the term of
7 which exceeds one year; and

8 (2) Who, in the opinion of the Parole Commission, is unlikely
9 to engage in further criminal conduct; and

10 (3) Who agrees to complete service of his sentence as herein
11 specified; and

12 (4) Who has served one-half of his minimum sentence (if he was
13 sentenced prior to July 1, 1981), or one-fourth of a sentence
14 imposed under G.S. 15A-1340.4.

15 ~~For purposes of subdivision (1), a person is considered to be~~
16 ~~serving his first active sentence the term of which exceeds one~~
17 ~~year if he~~

18 ~~a. Was convicted or sentenced in the same session of~~
19 ~~court of multiple offenses arising from the same~~
20 ~~transaction or series of transactions or his~~
21 ~~probationary sentence was revoked in the same such~~
22 ~~session of court,~~

23 ~~b. Is serving an active sentence of at least one year~~
24 ~~for one of the multiple offenses described in sub-~~
25 ~~subdivision a., and~~

26 ~~c. Had not received an active sentence of a[t] least~~
27 ~~one year prior to being sentenced for the multiple~~
28 ~~offenses described in sub-subdivision a.~~

29 In computing the service requirements of subdivision (4) of
30 this subsection, credit shall be given for good time and gain
31 time credit earned pursuant to G.S. 148-13. Nothing herein is

1 intended to create or shall be construed to create a right or
2 entitlement to community service parole in any prisoner.

3 Sec. 3. This act is effective upon ratification.

APPENDICES



OFFICE OF THE LIEUTENANT GOVERNOR
STATE OF NORTH CAROLINA
RALEIGH 27611

ROBERT B. JORDAN III
LIEUTENANT GOVERNOR

October 30, 1987

MEMORANDUM

TO: Senator David Parnell
Senator Helen Marvin
Senator Robert S. Swain
Senator Jim Johnson
Senator Bill Martin

FROM: Bob Jordan

RE: Special Committee on Prisons

This is to formally notify you that Speaker Ramsey and I would like for the Special Committee on Prisons to continue with the work begun December, 1985.

There are still many issues that need to be addressed, and the actions taken in the past are just a first step toward relieving overcrowding and improving our prison system. Your work in the months ahead is very important in helping North Carolina deal with this issue.

Senator Parnell will continue to serve as Senate Co-Chairman and will notify you of the first meeting in the near future.

BJ/ee

CC: The Honorable Liston Ramsey
The Honorable Lacy Thornburg
Ms. Grace Collins
Ms. Sylvia Fink
Terry Sullivan

Linda Powell
Legislative Library
State Library
State Disbursing Office

th Carolina
House of
Representatives

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APPENDIX I



Liston B. Ramsey, Speaker

Raleigh 27611

(919) 733-3451

October 30, 1987

MEMORANDUM

To: Representatives Anne Barnes
Charles Beall
Jim Craven
C. R. Edwards
John Kerr

From: Liston B. Ramsey *LBR*

Re: Appointment of Special Committee on Prisons

I am pleased to advise that the Lieutenant Governor and I would like for the Special Committee on Prisons to continue with the work begun in December, 1985. You are charged with the responsibility of looking at our various prison units scattered throughout the State and report back with your recommendations as to what should be done to upgrade our physical facilities so as to meet federal guidelines if there are any. You may also study the feasibility of requiring the Department of Correction to pay each local confinement facility a standard sum to be set by the General Assembly for the cost of housing female inmates committed there.

Representative Barnes will continue to serve as House Co-Chairman of this Special Committee. You should be hearing something from her in the near future as to when your first meeting is scheduled.

LBR:dhb

cc: Lt. Governor Robert Jordan, III
Mrs. Grace Collins
Mr. Terry Sullivan
Mr. George Hall
Ms. Sylvia Fink
Attorney General Lacy Thornburg
Mrs. Linda Powell, Governmental Operations

Legislative Library
State Library
State Disbursing Office
Ms. Stephanie Bass, Ex. Dir.
NC Center on Crime & Punishment

APPENDIX II

SPECIAL COMMITTEE ON PRISONS

MEMBERSHIP

Senator David R. Parnell
Co-Chairman
Post Office Box 100
Parkton, N. C. 28371

Representative Anne C. Barnes
Co-Chairman
313 Severin Street
Chapel Hill, N. C. 27514

Senator James C. Johnson, Jr.
29 Church Street, S.E.
Concord, N. C. 28025

Representative Charles Beall
Route 2, Box 322
Clyde, N. C. 28721

Senator William N. Martin
Post Office Box 21363
Greensboro, N. C. 27420

Representative James M. Craven
Post Office Box 44
Pine Bluff, N. C. 28373

Senator Helen R. Marvin
119 Ridge Lane
Gastonia, N. C. 28054

Representative C. R. Edwards
1502 Boros Drive
Fayetteville, N. C. 28303

Senator Kenneth C. Royall, Jr.
Room 300
Legislative Office Building
Raleigh, N. C. 27611

Representative John H. Kerr, III
232 Ridgewood Drive
Goldsboro, N. C. 27530

Senator Robert S. Swain
612 Northwestern Bank Plaza
Asheville, N. C. 28801

Representative Edd Nye
Courthouse Drive
Elizabethtown, N. C. 28337

STAFF

Carolyn H. Wyland
Senior Fiscal Analyst
Fiscal Research Division
N. C. General Assembly

H. Alan Pell
Committee Research Assistant
General Research Division
N. C. General Assembly

Michele T. Nelson
Fiscal Analyst
Fiscal Research Division
N. C. General Assembly

Brenda Carter
Attorney
General Research Division
N. C. General Assembly

Shirley Phillips
Committee Clerk
N. C. General Assembly

APPENDIX III

PERSONS MAKING PRESENTATIONS

Franklin Freeman, Administrative Officer of the Courts
North Carolina Judicial Department

Jennie L. Lancaster, Female Command Manager
Division of Prisons
North Carolina Department of Correction

Mark D. Corrigan, Director
National Institute for Sentencing Alternatives
Brandeis University

Rose Mary Mims, Director
Mental Health Study Commission

Keith Hester, Superintendent
Fountain Correctional Center

Donna Reback, Deputy Director
National Institute for Sentencing Alternatives
Brandeis University

Kay Knapp
Institute for Rational Public Policy

Dennis Schrantz, Grants Administrator
Division of Victim and Justice Services
Department of Crime Control and Public Safety

George Barnes, Deputy Director
Division of Adult Probation and Parole
North Carolina Department of Correction

APPENDIX IV

INFORMATION PRESENTED TO THE COMMITTEE

1988 Appropriations Related to Recommendations by the
Special Committee on Prisons

Proposal to the Special Committee on Prisons of the North
Carolina General Assembly (Submitted by the Center for
Effective Public Policy and the Law and Policy Associates.)

"Strategic Planning for Corrections" (Submitted by the
National Institute for Sentencing Alternatives.)

Proposal for Misdemeanor Diagnostic Center at Fountain
Correctional Center for Women

"Presentence Reports to Judges"

Official Recommendations of the Mental Health Study Commission
Committee Evaluating Services for Mentally Ill Individuals
with Serious Violent or Criminal Behavior Problems

Plans for 1987-89 Biennium of the Mental Health Study
Commission

Community Penalties Program Expansion Budget Request

House Arrest (Electronic Surveillance) Report

PROPOSAL TO THE SPECIAL COMMITTEE ON PRISONS

February 12, 1988

From: Representative Anne Barnes and Senator David Parnell
Co-Chairs

Recent Accomplishments in Criminal Justice in North Carolina

Since 1985, approximately \$90,000,000 in expansion operating funds and capital funds have been appropriated to the Department of Correction, Department of Crime Control and Public Safety, and the Judicial Department to improve the criminal justice system. The increased operating funds primarily provided for additional staff at existing prison units, staff for newly constructed facilities, victim and witness assistants, intensive juvenile supervision, and increases in community programs for offenders through additional intensive probation/parole teams, probation officers, parole officers, pre-parole investigators, community penalties programs, and community service workers. The capital funds provided for construction of new beds, replacement of some existing beds, renovation of existing dormitories at all field units, repairs and renovations of support systems (sewage, water, electrical, heating), and construction of vocational, multipurpose, and recreational buildings and chapels.

The appropriation of these new funds for fiscal years 1985-86 through 1986-89 and the progress made in carrying out the intent of the General Assembly for expenditure of them has been valuable in strengthening the State's position in prison litigation. The "cap" placed on the prison population until June 30, 1989, has provided the State with a "window of time" to more thoroughly examine its criminal justice system for long-term solutions and improvements.

Future Direction and Goals

Because of the emergency that brought the Special Committee on Prisons into being, it has been necessary to concentrate on finding immediate relief. The Committee has accomplished its immediate task effectively. Now it is time to develop goals, policies, and programs that address the system itself.

It is time to ensure that North Carolina has a balanced system of justice: 1) that is based on sound, clearly defined goals and policies; 2) that has a full and balanced continuum of sanctions and rehabilitation services from no or little supervision to incarceration and exit alternatives; 3) that addresses the factors contributing to an individual offender's behavior; 4) that teaches competencies to replace offense behavior; and 5) that always requires accountability through restitution, community service, or other methods. The Committee should focus its efforts now on examining the strengths and weaknesses of our existing goals, policies, and programs, on redefining goals and policies where needed, and on developing a more comprehensive

criminal justice system.

For example, some broad goals of a criminal justice system may be to:

- 1) Ensure fair and appropriate punishment;
- 2) Compensate crime victims and society;
- 3) Protect the public;
- 4) Rehabilitate the offender;
- 5) Deter crime.

Steps in Developing a Comprehensive Criminal Justice System

Development of a comprehensive system is a multi-stage process in which the following steps might be accomplished:

1) Determine and prioritize goals such as those noted above, plus any additional new or existing ones. This will enable us to determine exactly what we are trying to accomplish with our criminal justice system.

2) Determine whether these established goals are being attained, and, if not, define the means to attain them.

3) Develop broad and specific policies to meet each prioritized goal.

4) Identify existing and new resources that will help achieve these policies together with an analysis of costs and benefits of each resource.

5) Specify appropriate usage and allocation of resources, and adjust prescribed levels of punishment where necessary.

Sentencing Guidelines Commission

It is important to recognize that when the General Assembly prescribes punishments for offenses, the Judge imposing punishment in specific cases is allocating the State's penal resources.

For the most part, the State's criminal laws have defined large categories of crimes and broad ranges of punishments. With defined goals, policies and resources in place, it will be possible to develop more specific crime categories and various gradations within each category. Following this delineation, it would be desirable to coordinate the category and grade of the category with the appropriate sentence, i.e. resource allocation.

Once goals and policies are defined, it may be desirable to establish a sentencing guidelines commission to develop and recommend specifics for each category. This commission could begin by breaking down broad crime definitions into specific categories of criminal behavior, and then deciding which penal resource should be allocated to each category.

State-Local Interrelationship

There is also a need to define more clearly the State's responsibility versus local responsibility in the delivery of services in the criminal justice system. There is further need, where applicable, to establish an overall continuum of sanctions and rehabilitative services through both state and local effort and investment in the criminal justice system.

The overall continuum for the system could range from payment of fines to incarceration. A more complete continuum for community sanctions could include community work release, house arrest, group home placement, various levels of probation/parole supervision, community service, therapeutic treatment, education and training, restitution, and payment of fines, or any combination(s) of these sanctions.

Responsibility for Developing Comprehensive System

The Legislature must take the lead in shaping law and formulating the underlying policies by which government operates. In order for the State of North Carolina to move forward in this area, your Committee Co-Chairs suggest that the Special Committee on Prisons be the vehicle for examining existing and desired goals, policies, and resources of the criminal justice system, and for developing the plan for a comprehensive system based on those goals and policies.

This includes developing stated policies on 1) the appropriate use of incarceration, 2) the appropriate use of community-based sanctions, 3) the rehabilitation of offenders, 4) the allocation of resources, 5) compensating crime victims and society, 6) fairness to victims of crime. The plan should ensure a unified system for administration of criminal justice programs. It must ensure that safe, humane imprisonment is available for all who should be incarcerated in accordance with stated goals and incarceration policies, and that a full continuum of appropriate alternatives is available and properly utilized.

PROPOSAL:

THAT THE SPECIAL COMMITTEE ON PRISONS

- 1) ACCEPT THE RESPONSIBILITY OF UNDERTAKING THIS TASK,
- 2) AUTHORIZE ITS CHAIRS AND STAFF TO PROCEED WITH ASSEMBLING A TEAM OF CONSULTANTS TO GUIDE THE COMMITTEE THROUGH THIS PROCESS,
- 3) SEEK NECESSARY FUNDING FROM THE LEGISLATIVE SERVICES COMMISSION.



Joint Legislative Commission On Governmental Operations
State Legislative Building
Raleigh, North Carolina 27611

MEMORANDUM

To: Representative Anne Barnes
Senator David Parnell

From: House Speaker Liston B. Ramsey
Lieutenant Governor Bob Jordan

LBR
BJ

Date: March 10, 1988

Re: Clarification of Charge to the Special Committee on Prisons

The Special Committee on Prisons has worked since 1985 on recommendations to the General Assembly to meet the "prison crisis" facing North Carolina. Many recommendations by the Committee were approved in the 1986 and 1987 Sessions including legislation for a "cap" placed on the prison population until June 30, 1989.

Now the State needs to examine long-term solutions for the criminal justice and corrections systems in North Carolina. A memorandum from Attorney General Larry Thornburg on March 7, 1988, recommends "that the General Assembly charge a standing or special committee with the task of reviewing North Carolina's current prison, jail, and detention activities and recommending a state policy for incarceration. This policy would ensure a coordinated state administration of all confinement programs and better enable the State to respond to and defend itself from potential liability from prisoners' lawsuits."

Therefore, pursuant to the recommendation of the Co-Chairmen of the Special Committee on Prisons, the charge to the Special Committee on Prisons is clarified to include the proposal adopted by the Special Committee on February 17, 1988. (See attached Proposal.)

The Special Committee on Prisons will present its recommendations to the 1989 General Assembly for approval.

Any additional funds required for consultants must be approved by the Legislative Services Commission.

R&J:dnb

Attachment



Joint Legislative Commission On Governmental Operations
State Legislative Building
Raleigh, North Carolina 27611

MEMORANDUM

TO: Senator David R. Parnell
Representative Anne C. Barnes

FROM: Lieutenant Governor Robert B. Jordan, III *RB*
House Speaker Liston B. Ramsey *LR*

DATE: October 3, 1988

RE: Need To Examine Facilities for Female Inmates

On September 16, 1988, members of the Joint Legislative Commission on Governmental Operations discussed the number of inmates and the mixing of minimum and medium custody levels at the North Carolina Correctional Center for Women. It appears that this is the only state prison facility at which such mixing occurs. The Commission also discussed the condition of the kitchen and the mental health unit and the need to upgrade these facilities.

The Commission approved a motion to request that the Special Committee on Prisons examine female facilities in Wake County and make recommendations to the 1989 Session as to what should be done to improve the facilities and to increase the separation of females in minimum and medium custody levels. We are in agreement with this motion, and, therefore, request that you add this item to the charge of the Special Committee on Prisons and include a recommendation on this issue in the committee's report to the 1989 Session.

Thank you very much for your attention to this matter.

